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Attorney for Non-Party Nintendo of America

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FEDERAL TRADE COMMISSION

Plaintiff,

v.

MICROSOFT CORPORATION,

and

ACTIVISION BLIZZARD, INC.,

Defendants.

Case No. 23-cv-02880-JSC

**[PROPOSED] ORDER GRANTING
NINTENDO OF AMERICA INC.
STATEMENT PURSUANT TO LOCAL
RULE 79-5(f) RE SEALING PX7059 AND
PX7065**

[PROPOSED] ORDER

Having considered Nintendo of America Inc.'s Statement Pursuant to Local Rule 79-5(f)
As to Why PX7059 and PX7065 Should Remain Under Seal,

The Court ORDERS:

[] Plaintiff exhibit PX7059 and PX7065 shall remain under seal IN THEIR ENTIRETY.

[] Plaintiff exhibit PX7059 and PX7065 shall be filed with the below designations

FILED UNDER SEAL AND REDACTED.

A. PX7059

Category	Transcript Citation(s)
Category 1 (Research and Development for Future Business)	(20:5-22:5); (61:9-62:9); (62:11-64:23)
Category 2 (Gaming Content Development)	(19:4-19:23); (20:5-22:5); (24:17-25:8); (25:10-25:24); (25:25-27:24); (28:1-29:9); (29:10-30:1); (31:3-31:8); (31:9- 31:18); (31:20-33:15); (34:18-36:3); (40:5-41:2); (41:4- 42:19); (46:25-48:5); (48:7-49:12); (50:7-51:16); (56:23- 57:8); (57:23-58:17); (59:14-59:18); (60:16-61:7); (62:11- 64:23); (64:25-65:24); (66:9-68:15); (68:16-70:17); (71:15- 72:9); (72:11-73:11); (81:12-82:12); (84:19-85:8); (101:4- 102:9); (104:11-105:23); (106:22-107:4); (110:9-113:8); (116:16-117:10); (139:1-139:5); (148:11-148:19); (149:11- 151:7); (155:15-156:7)
Category 3 (Competitive Approach)	(22:7-22:25); (23:14-23:19); (24:17-25:8); (42:21-43:15); (43:24-45:3); (45:5-45:9); (45:15-46:2); (46:14-46:23); (94:14-95:3); (95:10-96:2); (113:25-115:3); (117:11-117:24); (118:7-118:24); (118:25-122:3); (122:4-122:9); (122:10- 122:21); (153:12-153:21); (154:13-155:13); (155:15-156:7); (158:7-162:11)
Category 4 (Internal Discussions of LOI and Side Letter)	(146:11-147:6)
Category 5 (Confidential Negotiations with Microsoft regarding LOI and Side Letter)	(42:21-43:15)
Category 6 (Witness's Understanding of LOI and Side Letter)	(10:5-10:16); (143:3-143:10); (143:18-144:16); (144:18- 144:25); (145:2-146:1); (146:11-147:6); (147:8-147:15); (156:9-157:14)

Category 7 (Confidential Business Information)	(17:25-18:8); (18:20-18:25); (30:5-30:17); (30:18-31:2); (34:18-36:3); (38:4-38:14); (70:19-72:9); (74:25-76:5); (76:16-77:18); (79:2-79:15); (79:17-80:12); (82:20-83:18); (85:15-86:3); (86:9-86:17); (89:1-89:8); (89:18-90:2); (90:4-90:21); (91:5-91:24); (92:7-94:12); (98:24-100:3); (102:10-103:3); (103:5-103:15); (103:17-104:8); (107:19-108:13); (108:15-109:7); (109:9-110:7); (122:23-123:10); (123:11-123:18); (123:25-125:16); (126:16-127:1); (128:2-128:11); (128:13-129:11); (139:17-140:3); (140:9-140:17); (141:1-141:7); (152:2-152:7)
Category 8 (Transcript Reference Tables)	164:9-17; and pages PX7059-143 through PX7059-69 (word index)

B. PX7065

Category	Transcript Citation(s)
Category 1 (Research and Development for Future Business)	(56:22-58:18); (133:19-134:5); (169:22-170:22); (170:23-171:12); (171:13-172:2); (172:3-172:10); (172:11-173:5); (173:6-175:8); (177:21-178:8)
Category 2 (Gaming Content Development)	(18:7-18:13); (18:14-19:10); (19:17-19:21); (19:22-20:12); (21:11-21:20); (21:24-24:7); (24:8-25:10); (25:15-28:2); (28:3-28:14); (28:15-29:9); (35:15-37:11); (44:20-45:13); (45:14-45:25); (46:1-46:20); (46:21-47:22); (47:23-48:15); (48:16-49:13); (49:14-50:3); (50:4-50:12); (50:13-50:23); (51:2-53:6); (53:7-54:24); (54:25-56:21); (56:22-58:18); (58:19-59:15); (59:16-60:18); (64:20-65:16); (65:17-66:20); (67:5-69:9); (120:16-122:6); (170:23-171:12); (171:13-172:2); (172:3-172:10); (172:11-173:5); (173:6-175:8); (185:8-185:17); (185:18-186:14); (187:18-189:13); (193:25-201:8); (203:17-204:15); (213:13-216:24); (223:17-224:6); (238:13-238:22); (238:23-239:6); (239:7-239:16); (240:7-241:5); (241:13-242:8)
Category 3 (Competitive Approach)	(76:24-77:22); (79:7-83:12); (84:8-84:19); (88:11-88:9); (166:14-166:17);
Category 4 (Internal Discussions of LOI and Side Letter)	(92:4-92:24); (92:25-93:10); (93:20-94:22); (94:2-94:10); (94:11-94:22); (95:15-95:20); (97:2-97:23); (98:13-99:8); (99:9-99:15); (99:16-99:25); (100:1-101:7); (101:8-101:22); (101:23-102:23); (106:13-106:25); (163:7-164:10); (184:11-185:7); (191:4-191:8); (203:8-203:16); (204:16-204:18); (204:24-205:3); (255:21-256:16)
Category 5 (Confidential Negotiations with Microsoft regarding LOI and Side Letter)	(94:23-95:14); (95:15-95:20); (95:21-96:9); (96:10-97:1); (103:13-107:6); (107:7-112:9); (112:11-118:11); (118:12-120:15); (122:7-128:17); (128:18-132:16); (132:17-135:2); (135:4-145:2); (145:5-153:6); (153:24-156:25); (157:1-169:21); (175:9-175:21); (175:23-183:18); (184:9-189:13); (190:9-193:24); (201:9-205:3); (226:1-227:14); (227:16-231:19); (231:20-239:19); (259:12-259:16); (260:7-260:8)

Category 6 (Witness's Understanding of LOI and Side Letter)	(12:5-12:22); (12:23-13:10); (13:11-13:19); (13:20-13:25); (105:11-106:4); (106:5-106:12); (119:20-120:15); (122:20- 123:16); (123:17-124:6); (124:7-124:20); (124:21-126:17); (126:9-126:24); (127:1-128:1); (128:2-128:11); (132:1- 132:8); (133:10-133:18); (133:19-134:5); (134:6-135:2); (147:18-147:25); (148:1-148:16); (148:17-149:14); (150:7- 151:15); (151:16-152:11); (158:5-158:25); (159:1-159:12); (159:13-159:25); (160:1-162:19); (162:20-163:6); (164:11- 164:22); (164:23-165:21); (165:22-166:13); (166:18-167:12); (167:13-168:5); (168:6-168:12); (168:13-168:22); (169:2- 169:13); (169:14-169:21); (175:9-175:21); (176:1-176:22); (176:23-177:20); (177:21-178:8); (178:9-178:18); (178:19- 179:2); (179:7-179:14); (179:15-179:23); (179:24-180:7); (180:8-180:19); (180:20-181:5); (181:6-182:2); (182:3- 182:20); (182:21-183:15); (186:15-187:11); (187:12-187:17); (233:17-234:1); (234:12-234:19); (235:3-235:11); (236:2- 236:15); (238:3-238:12); (242:9-245:9); (245:10-247:16); (247:17-247:23); (247:24-248:10); (248:11-249:16); (249:17- 250:4); (252:16-252:24)
Category 7 (Confidential Business Information)	(29:25-30:6); (41:1-41:13); (41:14-42:21); (42:22-43:4); (61:24-63:5); (75:23-76:9); (78:3-79:5); (207:5-208:13); (229:17-230:5); (230:15-231:5); (259:12-259:16); (260:7- 260:8)
Category 8 (Transcript Reference Tables)	6:13-8:25; 264:1-25; and pages PX7065-68 through PX7065- 105 (word index)

IT IS SO ORDERED.

Dated: _____

HON. JACQUELINE SCOTT CORLEY
United States District Judge